UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,759	01/02/2002	Norman C. Pyle	10011316-1	7530

			EXAMINER
22879	7590	11/17/2004	GAGLIOSTRO, KEVIN M

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ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/037,759	PYLE ET AL.
	Examiner	Art Unit
	Kevin M. Gagliostro	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 January 2002</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form
    the basis for rejections under this section made in this office action:

    > (e) The invention was described in (1) an application for patent, published under section 122(b), by
    > another filed in the United States before the invention by the applicant for patent or (2) a patent
    > granted on an application for patent by another filed in the United States before the invention by the
    > applicant for patent, except that an international application filed under the treaty defined in section
    > 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
    > only if the international application designated the United States and was published under Article 21(2)
    > of such treaty in the English language.

2. Claims 1, 2, 3, 4, 5, 7, 8, 9, and 10 are rejected under 35 U.S.C. 102(e) as being
    anticipated by U.S. Publication No. 2003/0117499A1 to Bianchi et al.

    Bianchi clearly shows all the limitations recited in claim 1. See figures 1 and all
    other paragraphs cited within the specification. Referring to claim 1, Bianchi
    describes a method for enabling an image capture system, essentially comprising a
    digital camera (figure 1, item 18) with an IR sensor (figure 1, item 44), in association
    with a first device, which can be a VCR (paragraph [0033], lines 10-13). Also,
    Bianchi describes the step of training the digital camera to respond to at least one
    command (paragraph [0017], lines 4-7) that is received from the foreign remote
    control, otherwise described as a wireless remote controller (figure 1, item 46).
    Bianchi further describes the step of employing the wireless remote controller to
    access at least one function of the digital camera (paragraph [0017], lines 11-12).

    Bianchi clearly shows all the limitations recited in claim 2. See figures 1 and all
    other paragraphs cited within the specification. Referring to claim 2, Bianchi
    describes the method of claim 1 wherein the image capture system, or digital
    camera, responding to at least one command from the wireless remote controller
    further comprises the steps of enabling the training mode, or an initialization of the
    first function. This is specifically when the camera makes contact to the cradle
    (figure 1, item 14) and initiates the firmware (figure 1, item 54), which determines if
    the camera needs to respond to any commands received by the receiver (figure 1,
    item 44) (paragraph, [0037], lines 1-14). Bianchi also describes the use of a
    wireless remote control for a predetermined function of the digital camera
    (paragraph [0037], lines12-14]. For the purpose of instructing the user to press a
    button on the wireless remote control to perform a number of predetermined
    functions, it is commonly understood that the labels associated with each of the
    buttons is indicative of an instruction. Bianchi further describes the transmitting of a
    command associated with a button pressed by the remote control in which the digital
    camera receives the command (paragraph [0044], lines 12-15) and associates the

command with the predetermined function of the digital camera (paragraph 0017, lines 4-7 and lines 10-12).

Bianchi clearly shows all the limitations recited in claim 3. See figure 1 and all other paragraphs cited within the specification. Referring to claim 2, Bianchi describes the method of claim 2 wherein a digital camera's steps of receiving the command further comprises polling port for an incoming command, or continuously monitoring the receiver (figure 1, item 44) through the use of firmware (figure 1, item 54) when the digital camera (figure 1, item 18) is docked in the cradle (figure 1, item 14) (paragraph [0037], lines 4-6). Bianchi also describes a step of determining if a command has been captured; once the camera has been docked the firmware determines if the camera needs to respond to any commands that have been received by the receiver (paragraph [0037], lines 9-14). Bianchi also describes that if no command has been received, then the port is polled again for an incoming command. This logic is described, as stated before, with special emphasis on the phrase "continuously monitoring" which can be interpreted as an if-then loop as stated in the claim. Bianchi further describes a step when a "bit stream" has been captured; the camera then associates the command with it's predetermined function. It is commonly known within the art that a "bit stream," otherwise known as a digital bit stream, is described as the flow of information between a sender (wireless remote control) (figure 1, item 46) and a receiver (figure 1, item 44) in digital communication (abstract).

Bianchi clearly shows all the limitations recited in claim 4. See figure 1 and all other paragraphs cited within the specification. Referring to claim 4, as previously in claim 3, Bianchi describes a step when a "bit stream" has been captured; the camera then associates the command with it's predetermined function. It is commonly known within the art that a "bit stream," otherwise known as a digital bit stream, is described as the flow of information between a sender (wireless remote control) (figure 1, item 46) and a receiver (figure 1, item 44) in digital communication. This communication encompasses the sending of at least one command from the remote control to the digital camera (abstract).

Bianchi clearly shows all the limitations recited in claim 5. See figure 1 and all other paragraphs cited within the specification. Referring to claim 5, Bianchi describes the method of claim 2 further comprising the steps of determining whether there are more functions to process through the use of a remote control (figure 1, item 46), which has access to one or more functions of the digital camera (paragraph [0017], lines 10-12). Bianchi also describes the step of further instructing the user to press a button on the wireless remote control when there are more functions to process. There are more functions to process in that it is commonly understood that the labels associated with each of the buttons is indicative of an instruction, all of which actuate their own function. Furthermore, when there are no more functions to process, the user can exit the training mode. This can be viewed as actuating the "off" button of

the remote control, thus eliminating the option of processing more functions. These are all limitations that can be viewed within the operational characteristics of the remote control viewed in Bianchi (figure 1, item 46).

Bianchi clearly shows all the limitations recited in claim 7. See figure 1. Referring to claim 7, Bianchi describes the method of claim 1 wherein the image capture system includes an image capture device. The claimed image capture system is essentially comprised of an image capture device with an IR sensor (figure 1, item 44). It is commonly known to those familiar to the art that an image capture device can in fact be a digital camera (figure 1, item 18).

Bianchi clearly shows all the limitations recited in claim 8. See figure 1 and all other paragraphs cited within the specification. Referring to claim 8, as previously in claim 7, it is commonly known to those familiar to the art that an image capture device can be a digital camera (figure 1, item 18). Furthermore, Bianchi also describes that the method and system can include a digital video camera in addition to other image capture devices (paragraph [0058], lines 1-8).

Bianchi clearly shows all the limitations recited in claim 9. See figure 1. Referring to claim 9, Bianchi describes the method of claim 7 further comprising a docking station (figure 1, item 14) for receiving the digital camera (figure 1, item 18).

Bianchi clearly shows all the limitations recited in claim 10. See figure 1 and all other paragraphs cited within the specification. Referring to claim 10, Bianchi describes the method of claim 1 wherein the image capture system further includes a docking station (figure 1, item 14) for receiving a digital image capture device or camera (figure 1, item 18) wherein the docking station includes at least one accessible function (paragraph [0017, lines 10-12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for rejections under this section made in this office action:

> (c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

4. Claims 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 are rejected under 35 U.S.C. 103(c) as being anticipated by U.S. Publication No. 2003/0117499A1 to Bianchi et al in view of U.S. Patent No. 6,615,293 to Shima et al.

Regarding claim 6, Bianchi describes the method of claim 2 wherein the digital camera associates the received command with the predetermined function of the camera. Bianchi does not teach the association of a received command being

stored in an association table. Shima describes a root panel list, which the controller (remote control) quickly scans in order to determine the functionality of the target (which can comprise a camera (column 5, lines 7-10)) and a panel subunit which implements the root panel list and is utilized to describe the controls of a target device (i.e. camera) and further provides the controller with information for depicting the controls of the target device (column 3, lines 29-64). This is similar to the association table in that both comprise the functional characteristics or commands associated with the device controls. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the camera taught in Bianchi and its process of associating commands with predetermined commands such that it is described as being stored in an association table, or root panel list, as discloses by Shima. One would have been motivated to make such a modification in view of the suggestion in Shima that doing so would render the root panel with minimum use of information, thus reducing processing (abstract).

Regarding claim 11, Bianchi describes an image capture system, essentially comprising a digital camera (figure 1, item 18) with an IR sensor (figure 1, item 44), in association with a first device, which can be a VCR (paragraph [0033], lines 10-13). Bianchi also describes a first function (first function is the first of one or more functions that can be initiated) that is accessible by a user, which is employed by the remote control. Bianchi further describes a proxy-based remote control mechanism (PBRCM), otherwise stated as a RF or IR receiver (figure 1, item 44), for receiving commands from a remote control (figure 1, item 46), for associating at least one received command with the first function of the image capture system. Bianchi also further describes the step of decoding, or interpreting, the received commands and allows the remote control to access the function of the digital camera corresponding to the decoded command (paragraph [0044], lines 3-10). However, Bianchi does not teach storing the association between the received command and the first function in an association table during a training mode. Shima describes a root panel list, which the controller (remote control) quickly scans in order to determine the functionality of the target (which can comprise a camera (column 5, lines 7-10)) and a panel subunit which implements the root panel list and is utilized to describe the controls of a target device (i.e. camera) and further provides the controller with information for depicting the controls of the target device (column 3, lines 29-64). This is similar to the association table in that both comprise the functional characteristics or commands associated with the device controls. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the camera taught in Bianchi and its process of associating commands with predetermined commands such that it is described as being stored in an association table, or root panel list, as discloses by Shima. One would have been motivated to make such a modification in view of the suggestion in Shima that doing so would render the root panel with minimum use of information, thus reducing processing (abstract).

Regarding claim 12, Bianchi further describes the image capture system of claim 11 wherein the proxy-based remote control mechanism includes a command receiver, or IR receiver (figure 1, item 46), for receiving commands from the foreign remote control. Bianchi also describes a command decoder for decoding, or interpreting, commands received (paragraph [0044], lines 3-10). However, Bianchi does not teach receiving commands that are employed by the association table and a command training facility for enabling the foreign remote control to access a function of the image capture system (or digital camera) associated with the decoded command. Shima describes a root panel list, which the controller (remote control) quickly scans in order to determine the functionality of the target (which can comprise a camera (column 5, lines 7-10)) and a panel subunit which implements the root panel list and is utilized to describe the controls of a target device (i.e. camera) and further provides the controller with information for depicting the controls of the target device (column 3, lines 29-64). This is similar to the association table in that both comprise the functional characteristics or commands associated with the device controls. Shima also describes a panel subunit (command training facility) which is a collection of descriptors that describe the physical controls (functions) of the target device in which the intelligent controller (remote control) accesses the panel subunit of the target device (digital camera) and implements the user interface for using the target device (column 10, lines 48-54). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the digital camera taught in Bianchi and its process of associating commands with predetermined commands such that it is described as being stored in an association table, or root panel list, and enabled through the panel subunit as discloses by Shima. One would have been motivated to make such a modification in view of the suggestion in Shima that it is desirable to provide remote control access to the features of an electronic device so that these devices (i.e. digital camera) can be accessed from one central location (column 2, lines 1-4).

Regarding claim 13, Shima further describes the image capture system of claim 11 that includes a reminder mode module, or mechanism, which enables the user to determine a function (by scanning through a root panel list) of the image capture system (target) that is associated with any button on the foreign remote control (controller) (column 2, lines 50-55).

Regarding claim 14, Bianchi further describes the image capture system of claim 11 as also including a digital image capture device. The image capture system is essentially comprised of an image capture device with an IR sensor (figure 1, item 44). It is commonly known to those familiar to the art that an image capture device can in fact be a digital camera (figure 1, item 18).

Regarding claim 15, Bianchi further describes the image capture system of claim 14 as also including one of a digital camera and a digital video camera. It is commonly known to those familiar to the art that an image capture device can in fact be a

digital camera (figure 1, item 18). Bianchi also describes that the method and system can include a digital video camera in addition to other image capture devices (paragraph [0058], lines 1-8).

Regarding claim 16, Bianchi further describes the image capture system of claim 11 as also including a docking station (figure 1, item 14) for receiving a digital image capture device or digital camera (figure 1, item 18).

Regarding claim 17, Bianchi describes an image capture system, essentially comprising a digital camera (figure 1, item 18) with an IR sensor (figure 1, item 44), in association with a first device, which can be a VCR (paragraph [0033], lines 10-13). Bianchi also describes a first function (first function is the first of one or more functions that can be initiated) that is accessible by a user, which is employed by the remote control. Bianchi further describes a proxy-based remote control mechanism (PBRCM), otherwise stated as a RF or IR receiver (figure 1, item 44), for receiving commands from a remote control (figure 1, item 46), for associating at least one received command with the first function of the image capture system. Bianchi also further describes the step of decoding, or interpreting, the received commands and allows the remote control to access the function of the digital camera corresponding to the decoded command (paragraph [0044], lines 3-10). However, Bianchi does not teach storing the association between the received command and the first function in an association table during a training mode. Shima describes a root panel list, which the controller (remote control) quickly scans in order to determine the functionality of the target (which can comprise a camera (column 5, lines 7-10)) and a panel subunit which implements the root panel list and is utilized to describe the controls of a target device (i.e. camera) and further provides the controller with information for depicting the controls of the target device (column 3, lines 29-64). This is similar to the association table in that both comprise the functional characteristics or commands associated with the device controls. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the camera taught in Bianchi and its process of associating commands with predetermined commands such that it is described as being stored in an association table, or root panel list, as discloses by Shima. One would have been motivated to make such a modification in view of the suggestion in Shima that doing so would render the root panel with minimum use of information, thus reducing processing (abstract).

Regarding claim 18, Bianchi further describes the image capture system of claim 17 wherein the proxy-based remote control mechanism (PBRCM) includes a means for receiving a commands from the foreign remote control, otherwise stated as an RF or IR receiver (figure 2, item 210) of the docking cradle. Bianchi also describes a means for decoding, or interpreting, the received commands through the use of the dock firmware (figure 2, item 220) (paragraph [0044], lines 3-10). And lastly, Bianchi describes the receiver (figure 2, item 210) as means for enabling the foreign remote

control to access a function of the image capture system that is associated with the decoded command (paragraph [004], line 1-3).

Regarding claim 19, Shima further describes the image capture system of claim 17 wherein the proxy-based remote control mechanism includes a means for generating a representation of the user interface in response to receiving a command from the foreign remote control when the reminder mode is enabled. Shima describes this means as a graphical user interface between a target device (digital camera) and a controller device (remote control) whereby the target device can enforce a particular arrangement of information to be displayed by the controller (column 2, lines 45-50).

Regarding claim 20, Bianchi describes a remote control system that comprises a foreign remote control, otherwise described as a wireless remote controller (figure 1, item 46), that is associated with a first device, which can be a VCR (paragraph [0033], lines 10-13). Bianchi describes an image capture system, essentially comprising a digital camera (figure 1, item 18) with an IR sensor (figure 1, item 44). Bianchi also describes a first function (first function is the first of one or more functions that can be initiated) that is accessible by a user, which is employed by the remote control. Bianchi further describes a proxy-based remote control mechanism (PBRCM), otherwise stated as a RF or IR receiver (figure 1, item 44), for receiving commands from a remote control (figure 1, item 46), for associating at least one received command with the first function of the image capture system. However, Bianchi does not teach storing the association between the received command and the first function in an association table during a training mode. Shima describes a root panel list, which the controller (remote control) quickly scans in order to determine the functionality of the target (which can comprise a camera (column 5, lines 7-10)) and a panel subunit which implements the root panel list and is utilized to describe the controls of a target device (i.e. camera) and further provides the controller with information for depicting the controls of the target device (column 3, lines 29-64). This is similar to the association table in that both comprise the functional characteristics or commands associated with the device controls. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the camera taught in Bianchi and its process of associating commands with predetermined commands such that it is described as being stored in an association table, or root panel list, as discloses by Shima. One would have been motivated to make such a modification in view of the suggestion in Shima that doing so would render the root panel with minimum use of information, thus reducing processing (abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 703-308-6070. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro   11/15/2004

NGOC-YEN VU
PRIMARY EXAMINER